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19 *Proposed Class Counsel*

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 BILLY GLENN, *et al.*,

23 Plaintiffs,

24 v.

25 HYUNDAI MOTOR AMERICA,  
26 *et al.*,

27 Defendants.

Case No. 8:15-cv-02052-DOC-KES

**DECLARATION OF DAVID STEIN  
IN SUPPORT OF MOTION TO  
DIRECT NOTICE OF PROPOSED  
CLASS ACTION SETTLEMENT**

Date: February 25, 2019

Time: 8:30 a.m.

Judge: The Hon. David O. Carter

Courtroom: 9D

1 I, David Stein, declare as follows:

2 1. I am a partner at the law firm of Gibbs Law Group LLP, one of the  
3 several law firms that has represented the Plaintiffs in this action over the past three  
4 years. I make this declaration based on my personal knowledge and review of my  
5 firm's case file, and if called upon to do so, could and would testify competently  
6 thereto.

7 2. Gibbs Law Group is a national litigation firm dedicated to representing  
8 plaintiffs in class and collective actions in state and federal courts. The firm serves  
9 clients in consumer protection, securities, antitrust, whistleblower, personal injury,  
10 and employment cases. Our attorneys regularly prosecute multi-state consumer class  
11 actions and have some of the best track records in the country when it comes to  
12 successfully certifying consumer classes, developing practical damages  
13 methodologies, obtaining prompt relief for consumers victimized by unfair or  
14 deceptive practices, and working cooperatively with other firms and defense counsel.  
15 A true and correct copy of the Gibbs Law Group firm resume is attached as **Exhibit**  
16 **2**. The firm's lawyers (including myself and Eric Gibbs, my partner who has also  
17 helped prosecute this case) have particularly extensive experience in handling  
18 automotive class actions. We have prosecuted and resolved at least 20 consumer  
19 class actions against the world's top automotive companies, including several against  
20 Hyundai. We have brought that experience to bear over the course of this litigation  
21 and in the context of negotiating and finalizing the pending settlement.

22 3. This proposed class action began in December 2015. My firm and our  
23 co-counsel initiated suit after receiving and researching driver complaints that certain  
24 Hyundai models' panoramic sunroof was prone to shattering without warning, both  
25 when the vehicles are parked and when being driven.

26 4. Plaintiffs' counsel have vigorously prosecuted this litigation since its  
27 inception, with Hyundai consistently denying the core allegations of the suit and  
28 contesting our legal theories. Plaintiffs' counsel opposed two Hyundai motions to

1 dismiss and engaged in protracted discovery efforts, reviewing over 100,000 pages of  
2 documents from Hyundai, obtaining and reviewing documents from six third parties  
3 through subpoenas, conducting inspections of failed panoramic sunroofs collected by  
4 Hyundai, and serving sets of interrogatories and requests for admission on Hyundai  
5 (to which Hyundai responded). Hyundai served over 20 discovery requests on each  
6 of the named Plaintiffs; Plaintiffs' counsel assisted in the collection, review, and  
7 production of responsive documents and in serving formal discovery responses.  
8 Plaintiffs' counsel also defended the deposition of each Plaintiff. All told, the parties  
9 took 23 depositions in the case, including depositions in Korea, Georgia, Alabama,  
10 Michigan, and throughout California. The parties engaged in dozens of meet-and-  
11 confer discussions (both by phone and through correspondence). Through those  
12 efforts the parties minimized their disputes, but still presented five discovery disputes  
13 to Judge Scott for resolution.

14         5. In June 2017, Plaintiffs' counsel prepared and filed the motion for class  
15 certification, which was supported by over 150 exhibits and declarations from four  
16 retained experts (two liability experts and two damages experts). Hyundai opposed  
17 the motion and submitted reports from six of its own experts. Hyundai also filed two  
18 ex parte motions, a motion alleging spoliation of evidence, and four Daubert  
19 motions seeking to exclude all of Plaintiffs' expert reports. Plaintiffs' counsel  
20 opposed all of those motions and filed a reply in support of class certification. The  
21 Court held a multi-hour hearing on class certification on November 6, 2017.

22         6. Toward the middle of 2018, after the class certification hearing but  
23 before the Court issued a certification opinion, the parties began discussing whether a  
24 compromise resolution of the litigation might be feasible, and they ultimately agreed  
25 to conduct a mediation. The parties engaged in a full-day mediation in July 2018  
26 with the assistance of retired United State Magistrate Judge Jay C. Gandhi. The  
27 parties were able to reach an agreement in principle on all of the material terms of  
28 the relief to be provided to the class.

1           7.     The parties never discussed attorney's fees until after the parties had  
2 already agreed to the material terms of the class's relief. Instead, the parties agreed  
3 that while they would later try to resolve the fee issue, even if unsuccessful they  
4 would present this settlement to the Court and then litigate a contested fee motion—  
5 something Class Counsel and Hyundai have done before. With the further assistance  
6 of Judge Gandhi, however, the parties resolved the fee issue: In August 2018, the  
7 parties participated in a second full-day mediation with Judge Gandhi. Although the  
8 parties were not able to resolve the fee issue that day, they continued negotiations  
9 with Judge Gandhi's assistance and ultimately reached agreement through which  
10 Plaintiffs may seek up to \$5,400,000 for their combined attorney's fees, litigation  
11 costs, and for class representative service awards. In light of the effort undertaken to  
12 litigate this case, and since Plaintiffs' counsel have already advanced over \$750,000  
13 to prosecute this litigation (including for expert fees and to travel to Korea and  
14 elsewhere), any attorney's fee award pursuant to this agreement will be less than the  
15 lodestar that Plaintiffs' counsel generated in achieving this result for the class.

16           8.     With respect to the class representative service awards, I note that the  
17 class representatives here have diligently represented the class: they actively  
18 participated in the case over multiple years; produced documents and discovery  
19 responses; and sat for deposition. Throughout, they have remained in contact with  
20 Plaintiffs' counsel, stayed apprised of the litigation, and have made decisions with  
21 the interests of the class in mind.

22           9.     The parties have since prepared the formal settlement agreement now  
23 before the Court, which I attach as **Exhibit 1**. (This is the only extant agreement  
24 between the parties relating to the resolution of this litigation.) To finalize the  
25 settlement agreement, counsel for the parties engaged in cooperative efforts for much  
26 of 2018, including to finalize the settlement agreement exhibits and the pending  
27 motion to direct settlement notice to the class.  
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